

**Ordinance Review Committee Meeting
Minutes
February 13, 2003**

Attendees:

Dennis Achgill, Indianapolis Air Pollution Control Board member
Dr. Robert Daly, Indianapolis Air Pollution Control Board member
Bernie Paul, Indianapolis Air Pollution Control Board member
Tom Rarick, Indianapolis Air Pollution Control Board member
Roland Salman, Indianapolis Air Pollution Control Board member
Bruce Wallace, Indianapolis Air Pollution Control Board member
John Chavez, Indianapolis Air Pollution Control Board, Technical Secretary

Tom Hipple, Office of Environmental Services
Matt Mosier, Office of Environmental Services
Cheryl Carlson, Office of Environmental Services
Matt Senseny, Office of Corporation Counsel

Bill Beranek, Indiana Environmental Institute
Denise Curtis, National Starch and Chemical Company
Peter Lorenz, Indiana Veneer
Dear Schramm, International Truck Engine Company

Purpose of Ordinance Review Committee (ORC) is to provide forum for discussion for the update and revision of the Air Pollution Control Ordinance and Indianapolis Air Pollution Control Board regulations.

At this meeting, Indianapolis Air Pollution Control Board Regulation 1 "Definitions", Section 2-3 was reviewed to update the incorporation of Section 326 of the Indiana Administrative Code (IAC) by reference date. The group discussed the general procedures to follow when revising a regulation. The flow chart outlining the regulation process was developed for the Board member's handbook and was requested to be provided to the group.

Regulation 1 was last amended on September 9, 1999, (effective date of November 7, 1999). The date for incorporation of the IAC by reference was discussed by the group as well as the amount of review needed by the ORC when updating by incorporation by reference. The Office of Environmental Services (OES) proposed to revise Regulation 1 on a regular basis. OES committed to adopting IAC by reference as of January 1 and July 1 each year.

When adopting the State regulation by reference, the ORC can:

1. Incorporate the state regulation change by reference with no change in language.
2. Incorporate more stringent language than the state regulation.
3. Fail to incorporate the state regulation on purpose.

When a state regulation is promulgated by the Indiana Air Pollution Control Board effected sources are notified of the new regulation upon promulgation. Those regulations apply state-wide whether the City of Indianapolis has adopted the regulation or not.

The currently proposed Regulation 1 updated will include all changes through January 1, 2003. At the next ORC meeting, OES will provide an updated memorandum outlining the changes.

The ORC recommended that the Indianapolis Air Pollution Control Board preliminarily adopt Regulation 1, Section 2-3 reflecting the change of dates as December 10, 2002, as the date on file with the Indiana Secretary of State and January 1, 2003, as the date published in the Indiana Register.

Other regulations needing updates in the future:

Chapter 511 Air Pollution Control Ordinance, Section 511-202 “Composition of the Board”
Regulation 2 “Permits”
Regulation 6 “Particulate”

Next ORC Meeting – Thursday, April 10, 2003, from 8:30 a.m. to 9:30 a.m. in Room 107 of the City-County Building, 200 East Washington Street.

To: Indianapolis Air Pollution Control Board

From: John B. Chavez, Administrator, OES

Date: March 13, 2003

RE: Updating Incorporation By Reference of Indiana Department of Environmental Management Rules-Request for Adoption of Changes to Regulation 1-2-3

Recommendation:

Staff requests that the Board:

- 1) Adopt the proposed changes to Regulation 1-2-3 to update the incorporation by reference of Indiana Department of Environmental Management rules to **January 1, 2003**; and
- 2) Schedule a public hearing on the proposed regulation change for 9:30 a.m. at the March 13, 2003 regular Board meeting.

Discussion:

The regulation package adopted by the board in 1997 included final Indiana Department of Environmental Management (IDEM) rules up to and including those published in the Indiana Register on September 1, 1997. In 1998, the board adopted as final amendments updating the incorporation by reference date of the IDEM rules to March 1, 1998. In 1999, the Board twice adopted as final amendments updating the incorporation by reference date of IDEM rules first to June 1, 1999 and second to December 1, 1999. In 2001, the Board adopted as final amendments updating the incorporation by reference date the IDEM rules to August 1, 2001. It is time again to update the incorporation by reference date of the IDEM rules.

Staff recommends that Indianapolis Air Pollution Board Regulation 1-2-3 be amended to read as follows:

Section 2-3. Version of the State Rule adopted. Adoptions by reference to Title 326, Indiana Administrative Code, comprise all Amendments, Additions, and Repeals on file with the Indiana Secretary of State through December 10, 2002 and published January 1, 2003, unless otherwise indicated in a particular regulation.

This update of the incorporation by reference date will impact the following regulations.

- 1) Regulation 6 Sections 6-1 and 6-3. Section 6-1 changes language in the applicability, emissions limitations, compliance schedules and SIP limitation sections. Marion County changes include SIP changes to Chrysler foundry, Indiana Veneers, Navistar, Praxair, National Starch Reilly Industries, and the removal of Western Electric. It places restrictions on and limits the emission of particulate matter. Section 6-3 provides substantial updates in applicability, definitions and emission limitation sections for particulate emissions from the manufacturing processes.
- 2) Regulation 8, Section 1-2 is amended to provide compliance methods applicable to dip or flow operations at miscellaneous metal coating operations.
- 3) Regulation 10, Section 10-3 adds new language for definitions, emissions limits, monitoring and testing requirements, and violations procedure, for the control of nitrogen oxide emissions from Portland cement kilns.
- 4) Regulation 11 Sections 11-5 and 11-8, Section 11-5, which concerns fluoride emissions for existing aluminum plants, is repealed. Section 11-5 has been superseded by the more current Section 20-24, which has been adopted previously by this board. Section 11-8 adds new language in applicability, incorporating by reference federal air emission requirements for solid waste incineration units that burn commercial and industrial waste.
- 5) Regulation 13, Section 14-9 provides for the expiration and readoption of administrative rules on January 1 of 2002 for rules in effect on December 31, 1995, and on January 1 of the seventh year after each rule takes effect, for those rule adopted after December 31, 1995. This will open ninety-three rules for readoption. This will affect all sources that are regulated by Regulation 1-2-3.
- 6) Regulation 20, Section 20-23 changes the language in applicability. On July 1, 1996, U.S. EPA promulgated national emission standards (61 FR 34140, subsequently amended in 64 FR 38950) for facilities that receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal at the facility. The rule requires sources in this category to reduce hazardous air pollutant emissions. General provisions are listed under Subpart DD of the federal rule. The final rule is based on a combination of control equipment and operation standards as well as work practice standards. Specific requirements for monitoring, record keeping, and reporting are specified in the regulation. Subcategories of off-site waste and recovery operations have been identified and include

specific control requirements under Subpart OO (tanks), Subpart PP (containers), Subpart QQ (surface impoundments), Subpart RR (individual drain systems), Subpart VV (oilwater separators and organic-water separators). These Subparts are being presented as separate rules under IAPCB 20-35, IAPCB 20-36, IAPCB 20-37, IAPCB 20-38, and IPABC 20-42, respectively. U.S. EPA estimates that this rule will reduce hazardous air pollutant emissions by approximately forty-seven thousand (47,000) tons per year nationwide. The compliance date for existing sources was February 1, 2000. The compliance date for new or reconstructed sources is upon startup. The federal rule was effective on September 20, 1999. Reilly Industries of Indianapolis will be affected by this rule.

- 7) Regulation 20, Section 20-30 adds new language in applicability. It incorporates by reference new NESHAP requirements for oil and natural gas production.
- 8) Regulation 20, Section 20-31 adds new language in applicability. It incorporates by reference new NESHAP requirements for natural gas transmission and storage facilities.
- 9) Regulation 20, Section 20-32 adds new language in applicability. It incorporates by reference new NESHAP requirements for publicly owned treatment works, built or substantially reconstructed after December 1, 1998.
- 10) Regulation 20, Section 20-33 adds new language in applicability. It incorporates by reference new NESHAP requirements for the pulp and paper industry.
- 11) Regulation 20, Section 20-34 adds new language in applicability. It incorporates by reference new NESHAP requirements for phosphoric acid manufacturing plants and phosphate fertilizers production plants.
- 12) Regulation 20, Section 20-35 see number 4
- 13) Regulation 20, Section 20-36 see number 4
- 14) Regulation 20, Section 20-37 see number 4
- 15) Regulation 20, Section 20-38 see number 4
- 16) Regulation 20, section 20-42 see number 4
- 17) Regulation 20, Section 20-44 adds new language in applicability. On June 29, 1999, U.S. EPA promulgated a program (64 FR 34853) for

setting national emission standards for hazardous air pollutants for certain small source categories consisting of five (5) or fewer major sources. The program consists of a consolidated rulemaking package that provides general control requirements for certain source categories. Generic MACT standards, Subpart YY, cross-references other Subparts of the generic MACT NESHAP. This NESHAP is being presented under IAPCB 20-44. Categories being cross-referenced are included under Subpart SS (closed vent systems, recovery devices, and routing to a fuel gas system or a process), Subpart TT (equipment leaks—control level 1), Subpart UU (equipment leaks—control level 2 standards), Subpart WW (storage vessels—control level 2) and are being presented as separate regulations under IAPCB 20-39, IAPCB 20-40, IAPCB 20-41, and IAPCB 20-43, respectively. The “generic MACT” standards establish an alternative methodology for making maximum achievable control technology determinations for appropriate small categories by referring to previous MACT standards that have been promulgated for similar sources in other categories.

- 18) Regulation 20, Section 20-39 see number 15
- 19) Regulation 20, Section 20-40 see number 15
- 20) Regulation 20, Section 20-41 see number 15
- 21) Regulation 20, section 20-43 see number 15
- 22) Regulation 20, Section 20-45 adds new language in applicability. It incorporates by reference new NESHAP requirements for pesticide active ingredient production.
- 23) Regulation 20, Section 20-46 adds new language in applicability. It incorporates by reference new NESHAP requirements for the production of mineral wool.
- 24) Regulation 20, Section 20-47 adds new language in applicability. It incorporates by reference new NESHAP requirements for the manufacturing of wool fiberglass.